

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In Re: RFC and ResCap Liquidating Trust
Litigation

Court File No. 13-cv-3451 (SRN/HB)

This document relates to:

ResCap Liquidating Trust v. Home Loan
Center, Inc., No. 14-cv-1716

**STIPULATION FOR MODIFYING
TRIAL NOTICE AND FINAL
PRETRIAL ORDER**

Plaintiff ResCap Liquidating Trust (“Plaintiff”) and Defendant Home Loan Center, Inc. hereby stipulate and jointly move the Court for an order modifying the Trial Notice and Final Pretrial Order [Doc. No. 3929] (“Pretrial Order”), as amended [Doc. No. 4131], in the above-referenced matter as follows:

WHEREAS, pursuant to Paragraph 2 of the Pretrial Order:

- a. By **September 14, 2018**, each party must file a list of exhibits, inclusive of objections and responses.
- b. By **September 19, 2018**, each party must deliver to the Court two sets of courtesy copies of its exhibits;

WHEREAS, pursuant to Paragraph 3 of the Pretrial Order, by **September 14, 2018**, each party must file its witness list;

WHEREAS, pursuant to Paragraph 4 of the Pretrial Order, as amended [Doc. No. 4131], by **September 14, 2018**, the parties must file lists of the specific deposition testimony that they intend to offer at trial;

WHEREAS, pursuant to Paragraph 1 of the Pretrial Order's Additional Instructions for Jury Trials:

- a. By **August 31, 2018**, the parties must exchange proposed voir dire questions.
- b. By **September 14, 2018**, the parties must exchange objections to proposed voir dire questions.
- c. By **September 28, 2018**, the parties must file their proposed voir dire, incorporating objections and responses.

WHEREAS, pursuant to Paragraph 2 of the Pretrial Order's Additional Instructions for Jury Trials:

- a. By **August 31, 2018**, the parties must exchange a proposed case introduction.
- b. By **September 14, 2018**, the parties must exchange objections to proposed case introduction.
- c. By **September 28, 2018**, the parties must file a joint proposed case introduction, incorporating objections and responses.

WHEREAS, pursuant to Paragraph 3 of the Pretrial Order's Additional Instructions for Jury Trials:

- a. By **August 31, 2018**, the parties must exchange proposed jury instructions.
- b. By **September 14, 2018**, the parties must exchange objections to proposed jury instructions.
- c. By **September 28, 2018**, the parties must file one set of proposed jury instructions.

WHEREAS, pursuant to Paragraph 4 of the Pretrial Order's Additional Instructions for Jury Trials:

- a. By **August 31, 2018**, the parties must exchange proposed special verdict forms.
- b. By **September 14, 2018**, the parties must exchange objections to the proposed special verdict forms.
- c. By **September 28, 2018**, the parties must file a joint special verdict form, incorporating objections and responses.

WHEREAS, the final pretrial conference is scheduled for **September 21, 2018** [Doc. No. 3951];

WHEREAS, the parties have exchanged initial exhibit lists, witness lists and affirmative deposition designations;

WHEREAS, the Court has scheduled a hearing for September 14, 2018, on the parties' disputes relating to certain pretrial evidentiary issues and ordered the parties to continue to discuss the admissibility of the categories of evidence subject to disagreement [Doc. No. 4343];

WHEREAS, the parties met and conferred and have agreed that the Pretrial Order should be amended to take into account the need for the parties to further revise their exhibit lists, witness lists and deposition testimony designations; and

WHEREAS, the parties recognize that they may need to approach the Court for additional time to file their pretrial submissions depending on the Court's guidance at the

September 14, 2018 hearing, but they request the following interim relief from the current filing deadlines.

NOW THEREFORE, subject to the Court's approval, the parties hereby stipulate to the following modifications to the Pretrial Order:

1. Certain deadlines in Paragraph 2 of the Pretrial Order shall be modified as follows:
 - a. By **11:00 a.m. on September 17, 2018**, the parties shall exchange objections to the other's revised exhibit lists. All objections to Rule 703 materials are preserved for trial.
 - b. By **September 19, 2018**, the parties shall file their exhibit lists. Objections and responses are to be incorporated into an appendix to the Exhibit list form as outlined in the Pretrial Order.
 - c. By **September 19, 2018**, the parties must deliver to the Court two sets of courtesy copies of only those trial exhibits to be discussed at the September 21, 2018 pretrial hearing. Courtesy copies of all exhibits shall be delivered at a later date determined by the Court.
2. Certain deadlines in Paragraph 3 of the Pretrial Order shall be modified as follows:
 - a. By **11:00 a.m. on September 17, 2018**, the parties shall exchange objections to the other's revised witness lists.
 - b. By **September 19, 2018**, the parties shall file their witness lists, with objections and responses incorporated.
3. Certain deadlines in Paragraph 4 of the Pretrial Order shall be modified as follows:
 - a. By **11:00 a.m. on September 17, 2018**, the parties shall exchange counter designations of deposition testimony and objections to the other's deposition designations.
 - b. By **September 19, 2018**, the parties shall file lists of the specific deposition testimony that they intend to offer at trial. The parties must submit complete transcripts of the depositions (not just the designated sections) to

chambers, using different highlighting colors to show final designations and objections.

4. Certain deadlines in Paragraph 1 of the Pretrial Order's Additional Instructions for Jury Trial shall be modified as follows:
 - a. By **September 21, 2018**, the parties must exchange proposed voir dire questions.
 - b. By **September 26, 2018**, the parties must exchange objections to the other's proposed voir dire questions.
 - c. By **September 28, 2018**, the parties must file their proposed voir dire, incorporating objections and responses.
5. Certain deadlines in Paragraph 2 of the Pretrial Order's Additional Instructions for Jury Trial shall be modified as follows:
 - a. By **September 21, 2018**, the parties must exchange a proposed case introduction.
 - b. By **September 26, 2018**, the parties must exchange objections to the other's proposed case introduction.
 - c. By **September 28, 2018**, the parties must file a joint proposed case introduction, incorporating objections and responses.
6. Certain deadlines in Paragraph 3 of the Pretrial Order's Additional Instructions for Jury Trial shall be modified as follows:
 - a. By **September 21, 2018**, the parties must exchange proposed jury instructions.
 - b. By **September 26, 2018**, the parties must exchange objections to the other's proposed jury instructions.
 - c. By **September 28, 2018**, the parties must jointly file one set of proposed jury instructions as outlined in Paragraph 3(d) of the Pretrial Order's Additional Instructions for Jury Trial.
7. Certain deadlines in Paragraph 4 of the Pretrial Order's Additional Instructions for Jury Trial shall be modified as follows:

- a. By **September 21, 2018**, the parties must exchange proposed special verdict forms.
 - b. By **September 26, 2018**, the parties must exchange objections to the other's proposed special verdict forms.
 - c. By **September 28, 2018**, the parties must file a joint special verdict form, incorporating objections and responses.
8. Absent agreement by the parties regarding the deadlines to exchange disclosures, all other provisions in the Pretrial Order shall remain in full force and effect.

Dated: September 13, 2018

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